

REMARKS

The specification has been amended so as to place this application in condition for disposal at the time of the next Official Action.

The claims previously in the case have been replaced by new claims which are believed to be proper as to form and clearly patentable over the cited references.

Reconsideration is accordingly respectfully requested, for the rejection of the claims as anticipated by RINARD 3,761,995 or ROLIN 4,566,148, or as unpatentable over RINARD in view of ROLIN.

RINARD discloses a paint tray with a perforated plate which includes guide lugs 7 with engage slots 8 in the tray. The plate substantially covers the entire surface in the tray and the paint is forced to pass through perforations in the plate by pressing downwardly so that the plate sinks slightly into the paint which is held in the tray. The plate is made of any material which has a specific gravity lower than the specific gravity of the paint.

Protuberances 4 are disposed across an upper surface of the plate and provide a roughened surface on the plate which creates frictional drag on the roller which causes the roller to rotate.

ROLIN, in Figures 1 and 2, discloses a plurality of concentric rings which are connected to one another by means of radial bars. On an upper side, each ring has a ridge-like surface for scraping off, and evening out, paint. On its lower side, each ring is channel-shaped and is sub-divided by intermediate walls into different sections which together form a buoyant body. ROLIN teaches that an outer side 3 of the outermost strip 1 (or ring) is intended to bear against the wall of the container in which the device is used.

The scraper floats in the paint when in use. It is necessary to "adjust" the buoyancy capability of the scraper relative to the paint (column 5, lines 30-31).

The assertion that RINARD (column 2, lines 40-50) discloses a support with a cellular nature is questioned. This passage teaches only the use of a material which has a specific gravity lower than the specific gravity of the paint.

It is not seen, as asserted, that ROLIN discloses "projections on the support to provide rotation of a roller". The Official Action refers to column 3, lines 31-33 and column 4, lines 25-28. These passages teach that the surface 2 scrapes off and evens out paint. These passages do not teach that the ridges rotate the roller.

In ROLIN, the reliance on Figures 1 to 2, item 4, as disclosing a "support having a ring with flexible arms" is

questioned. The numeral 4 designates bars which extend radially and which interconnect adjacent strips 1. Although the bars may be of a thin material which is easily separable, there is no indication that the bars are flexible. Even if the bars were flexible, which is not conceded, due to the fact that the bars extend radially, it would not be possible for a first ring to move in an axial sense relative to a second ring for this would require that the bars and the rings must be extensible - a feature which is not disclosed.

Bearing in mind the aforementioned points and taking into account the application of the prior art, we have prepared a fresh set of claims (32-51) which replace the existing claims. There are two independent claims, namely, claims 32 and 43. Claims 33-42 and 51 depend on claim 32 and claims 44-50 depend on claim 43. There are no method claims.

Claim 32 recites a paint applicator which includes an engagement member, an outer buoyant member, flexible rams which interconnect the engagement member and the outer member and roller engaging formations on the engagement member.

The paint applicator of claim 32 is readily distinguishable from the prior art at least on the following grounds:

a) RINARD does not disclose inner and outer rings;

b) ROLIN may well disclose a plurality of rings but what ROLIN fails to disclose is the use of flexible arms to interconnect the engagement ring and the peripheral ring. In ROLIN, all of the rings are buoyant. This is not necessarily the case in the paint applicator of the invention for although the peripheral member is buoyant the engagement member need not be buoyant. In ROLIN, the concentric rings are not movable to any significant extent, relative to each other, in an axial sense. This is the case, however, in the paint applicator of the invention (see claim 34). The limited movement of the engagement member relative to the peripheral member is attributable at least to the resiliently deformable nature of the arms, the fact that the arms are non-radial, and the substantial spacing between the engagement member and the peripheral member. These features are not present in ROLIN nor are they suggested in ROLIN.

Neither citation discloses an inner engagement member with upstanding projections which cause roller rotation. The ridges in ROLIN are, with respect, not readily equated to a plurality of projections. In ROLIN, all of the rings have essentially the same character and, apart from the size, the rings cannot be distinguished from one another.

Neither citation discloses a paint applicator with an opening which is sufficiently large to allow insertion of a stirrer.

In RINARD and ROLIN, when a roller traverses the upper surface of the paint applicator, the roller causes substantially the entire paint applicator to move deeper into the paint. In the paint applicator of the invention, however, the roller causes the engagement member to move to a greater extent than the peripheral member, towards the paint. This is due to the buoyant nature of the peripheral member and the flexible support which is given to the engagement member by the arms which extend from the peripheral member. Thus, when a roller traverses the paint applicator of the invention, the inner member (the engagement member) moves towards the paint surface while the peripheral member, which is buoyant, provides a stabilizing action which substantially resists downwards movement.

The paint applicator as defined in claim 32 is not anticipated nor suggested by the references taken alone or in combination.

While claims 32-42 and 51 are directed primarily to the embodiment of the invention shown in Figures 1 and 2, claims 43-50 cover the embodiment in Figures 4 and 5 optionally in combination with the variation in Figures 6 and 7.

Claim 43 is directed to a buoyant supporting member with a surface which extends in use downwardly from a periphery to a central opening. This structure is not disclosed in nor suggested by RINARD or ROLIN. The member is dimensioned to engage with end zones of a roller thereby to rotate the roller and to allow the roller to come into contact with paint with which the paint applicator is used. Optionally, a floor can be used in combination with the member and the floor may include a plurality of apertures through which paint can pass to allow the roller to contact the paint.

As the claims now in the case clearly bring out these distinctions with ample particularity, it is believed that they are all patentable and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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